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12 YA YA LOGISTICS, INC.

13  
14 UNITED STATES DISTRICT COURT  
15 CENTRAL DISTRICT OF CALIFORNIA  
16

17 OPULENT TREASURES, INC.  
18

19 Plaintiff,

20 v.  
21

22 YA YA LOGISTICS, INC., HK  
23 JAYDEN TRADING, LTD., SUO VIVI  
24 also known as SUI HUI, an individual,  
25 and WIN BEST IMPORT AND  
26 EXPORT CO., LTD.,  
27

28 Defendants.

Case No. 2:22-cv-6137-SSS-JC

Consolidated with Case No. 2:22-cv-02616 and Case No. 2:23-cv-04292

DEFENDANT YA YA LOGISTICS,  
INC.'S NOTICE OF MOTION AND  
MOTION FOR SUMMARY  
JUDGMENT

Judge: Hon. Sunshine S. Sykes  
Hearing Date: August 1, 2025  
Time: 2:00 pm  
Courtroom: 2 (Zoom videoconference)

**TO THE COURT, AND TO ALL PARTIES AND THEIR  
ATTORNEYS OF RECORD:**

**PLEASE TAKE NOTICE** that on August 1, 2025, at 2:00 p.m., in Courtroom 2 of the United States District Court for the Central District of California, located at the George E. Brown, Jr. Federal Building and U.S. Courthouse, at 3470 Twelfth Street, Riverside, California 92501-3801, Defendant Ya Ya Logistics, Inc. (“Ya Ya Logistics”) will, and hereby does, move for summary judgment, pursuant to Fed. R. Civ. P. 56, against Plaintiff Opulent Treasures, Inc. (“Opulent”). The Parties are instructed to attend the hearing via Zoom videoconference pursuant to the Court’s Order on June 27, 2025 (Dkt. 165).

This motion is made following the conference of counsel that took place on June 2, 2025. (Marc Karish Decl. ¶ 15). This motion is based on this Notice of Motion and supporting Memorandum of Points and Authorities, the Declaration of Marc Karish and exhibits thereto, Defendant Ya Ya Logistics, Inc.'s Separate Statement of Uncontroverted Facts and Conclusion of Law in Support of Its Motion for Summary Judgment, any reply briefing in further support of this motion, any matters of which this Court may take judicial notice, all papers and exhibits previously filed with the Court in this action, and on such other written and oral argument as may be presented to the Court.

## ORBIT IP, LLP

By: /s/Marc Karish  
Marc A. Karish

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1                   **I. INTRODUCTION**

2                   Plaintiff's first amended complaint has claims for 1) Direct and Contributory  
3                   Federal Copyright Infringement under 17 U.S.C. § 501(a); 2) Direct and  
4                   Contributory Federal Trademark Infringement Under § 32(1) of the Lanham Act,  
5                   15 U.S.C. § 1114(1); 3) Direct and Contributory Trademark Counterfeiting Under  
6                   15 U.S.C. § 1114(1)(b)/Lanham Act § 32; 15 U.S.C. § 1116(d)/Lanham Act § 34;  
7                   15 U.S.C. § 1117(b)-(c)/Lanham Act § 35]; 4) Direct and Contributory Trade  
8                   Dress Infringement Under § 43(a) of the Lanham Act, 15 U.S.C. § 1125(a); 5)  
9                   Direct and Contributory Common Law Trade Dress Infringement; 6) Unfair  
10                   Competition under § 43(a) of the Lanham Act, 15 U.S.C. § 1125(a); and 7)  
11                   Common Law Unfair Competition.

12                   Opulent Treasures failed to serve any discovery or take any depositions  
13                   regarding these claims. It further failed to disclose any evidence in its possession  
14                   regarding these claims. As a result, Opulent Treasures lacks any admissible  
15                   evidence to support its claims.

16                   Accordingly, Summary Judgment is appropriate as to all of Opulent  
17                   Treasures' claims against Ya Ya Logistics.

18                   **II. FACTUAL BACKGROUND**

19                   Plaintiff alleges infringement of a single trademark on the Principal Register,  
20                   U.S. Trademark Reg. No. 5,912,235, by sales of CHDLR\_045 products of third-  
21                   party Ya Ya Creations, Inc. (SUF, ¶ 1.) Plaintiff further alleges infringement of  
22                   multiple common law trademarks by sales of certain products by third-party Ya Ya  
23                   Creations, Inc. (SUF, ¶ 2.) Plaintiff further alleges infringement of several  
24                   copyrights for which it first obtained registrations in 2022 by sales of certain  
25                   products by third-party Ya Ya Creations, Inc. (SUF, ¶ 3.)

26                   However, Plaintiff has wholly failed to develop this case against Defendant  
27                   Ya Ya Logistics Inc. Plaintiff failed to serve any written discovery or take any

1 depositions. (SUF, ¶ 4.) Plaintiff failed to provide any substantive response to  
2 Defendant's Interrogatory No. 10 asking Plaintiff to "describe in detail the  
3 complete factual and legal bases for YOUR contention that DEFENDANT has  
4 infringed any applicable copyrights." (SUF, ¶¶ 5, 6.)

5 Plaintiff failed to provide any substantive response to Defendant's  
6 Interrogatory No.1 asking Plaintiff to "describe in detail the complete factual and  
7 legal bases for YOUR contention that DEFENDANT has infringed any applicable  
8 trademarks or trade dress under federal and state law." (SUF, ¶¶ 7, 8.) Plaintiff  
9 failed to provide any substantive response to Defendant's Interrogatory No. 11  
10 asking Plaintiff to "describe in detail the complete factual and legal bases for  
11 YOUR contention that DEFENDANT committed counterfeiting." (SUF, ¶¶ 9, 10.)

12 Plaintiff refused to produce a single document in response to Defendant's  
13 requests for production. (SUF, ¶ 11.) Plaintiff has produced no evidence that Ya  
14 Ya Logistics has stored, distributed, offered for sale, or advertised any of the  
15 products accused of infringing Opulent Treasures' alleged copyrights. (SUF, ¶ 12.)  
16 Plaintiff has produced no evidence that Ya Ya Logistics has stored, distributed,  
17 offered for sale or advertised any of the products accused of infringing Opulent  
18 Treasures' alleged trademarks. (SUF, ¶ 13.) Plaintiff has produced no evidence  
19 that Ya Ya Logistics has stored, distributed, offered for sale or advertised the  
20 products accused of being counterfeits of Opulent Treasures' U.S. Trademark  
21 Registration No. 5,912,235. (SUF, ¶ 14.) Plaintiff has produced no evidence that  
22 Ya Ya Logistics was aware of any of Plaintiff's alleged trademarks or copyrights.  
23 (SUF, ¶ 15.) Finally, Plaintiff has produced no evidence showing any damage as a  
24 result of Ya Ya Logistics, let any quantification of what those damages would be.  
25 (SUF, ¶ 16.)

### III. LEGAL STANDARD

## A. SUMMARY JUDGMENT

Summary judgment shall be granted where “the pleadings, the discovery and disclosure materials on file, and any affidavits show that there is no genuine issue as to any material fact and that the movant is entitled to judgment as a matter of law.” Fed. R. Civ. P. 56(c). The moving party has the burden of demonstrating the absence of a genuine issue of fact for trial. *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 256, 106 S. Ct. 2505, 91 L. Ed. 2d 202 (1986).

A “genuine issue” of material fact exists only when the nonmoving party makes a sufficient showing on the essential elements of its claims on which it bears the burden of proof at trial. *Celotex Corp. v. Catrett*, 477 U.S. 317, 322-23, 106 S. Ct. 2548, 91 L. Ed. 2d 265 (1986). An issue of fact is genuine if it reasonably can be resolved in favor of either party. *Anderson*, 477 U.S. at 250-51. The nonmovant's evidence is to be believed, and all justifiable inferences are to be drawn in the nonmovant's favor. *Id.* at 255; *Spin Master, LTD. v. Zobmondo Entm't, LLC*, 778 F. Supp. 2d 1052, 1059-60 (C.D. Cal. 2011).

## IV. ARGUMENT

## A. PLAINTIFF CANNOT PROVE ITS CLAIM FOR FEDERAL COPYRIGHT INFRINGEMENT

To establish copyright infringement, a plaintiff must prove two elements: "(1) ownership of a valid copyright, and (2) copying of constituent elements of the work that are original." *L.A. Printex Indus., Inc. v. Aeropostale, Inc.*, 676 F.3d 841, 846 (9th Cir. 2012), as amended on denial of reh'g and reh'g en banc (June 13, 2012) (quoting *Feist Publ'ns, Inc. v. Rural Tel. Serv. Co.*, 499 U.S. 340, 361 (1991)). *Unicolors, Inc. v. Wet Seal, Inc.*, Case No.: SACV 12-1065-DOC(JCx), 6 (C.D. Cal. May 9, 2013). Contributory copyright infringement is

1 found “where one person knowingly contributes to the infringing conduct of  
2 another.” *Fonovisa, Inc. v. Cherry Auction, Inc.* (9th Cir. 1996) 76 F.3d 259, 264.

3 When asked to “[d]escribe in detail the complete factual and legal bases for  
4 YOUR contention that DEFENDANT has infringed any applicable copyrights,”  
5 Opulent Treasures, responded only that “Opulent states that discovery is ongoing,  
6 and it will supplement its response to this Interrogatory at a later date.” (SUF, ¶ 5,  
7 Declaration of Marc Karish (“Karish Dec.”), Exh. A (Opulent Treasures Inc.’s  
8 Responses to Ya Ya Logistics First Set of Interrogatories.), p. 8, line 27 – p. 9,  
9 line 6.) No further response was ever provided, and no evidence supporting  
10 Opulent Treasures copyright claim against Ya Ya Logistics was ever disclosed.  
11 (SUF, ¶ 6.)

12 Opulent Treasures lacks any admissible evidence that Ya Ya Logistics sold  
13 or distributed any of the products accused of infringing, let alone admissible  
14 evidence that Ya Ya Logistics copied any constituent elements of any of Opulent  
15 Treasures’ alleged copyright. Likewise, Opulent Treasures has no admissible  
16 evidence that Ya Ya Logistics knowingly contributed to any third party’s  
17 copyright infringement.

18 Accordingly, summary judgment should be granted as to Opulent  
19 Treasures’ claim for copyright infringement against Ya Ya Logistics.

20

21 **B. PLAINTIFF CANNOT PROVE ITS CLAIMS FOR**  
22 **TRADEMARK INFRINGEMENT**

23 Plaintiff cannot prove its claims for “Direct and Contributory Federal  
24 Trademark Infringement Under § 32(1) of the Lanham Act, 15 U.S.C. § 1114(1)”;  
25 “Direct and Contributory Trademark Counterfeiting Under 15 U.S.C. §  
26 1114(1)(b)/Lanham Act § 32; 15 U.S.C. § 1116(d)/Lanham Act § 34; 15 U.S.C. §  
27 1117(b)-(c)/Lanham Act § 35]”; and “Direct and Contributory Trade Dress  
28 Infringement Under § 43(a) of the Lanham Act, 15 U.S.C. § 1125(a).”

1 To state a valid cause of action for trademark infringement under the  
2 Lanham Act, a plaintiff “must prove: (1) that it has a protectable ownership  
3 interest in the mark; and (2) that the defendant’s use of the mark is likely to cause  
4 consumer confusion.” *Rearden LLC v. Rearden Commerce, Inc.*, 683 F.3d 1190,  
5 1202 (9th Cir. 2012) (quoting *Network Automation, Inc. v. Advanced Sys.  
Concepts, Inc.*, 638 F.3d 1137, 1144 (9th Cir. 2011)). “Contributory infringement  
6 occurs when the defendant either intentionally induces a third party to infringe the  
7 plaintiff’s mark or supplies a product to a third party with actual or constructive  
8 knowledge that the product is being used to infringe the service mark.” (*Lockheed  
Martin Corp. v. Network Solutions, Inc.* (9th Cir. 1999) 194 F.3d 980, 983(citing  
9 *Inwood Lab., Inc. v. Ives Lab., Inc.*, 456 U.S. 844, 853-54, 72 L. Ed. 2d 606, 102  
10 S. Ct. 2182 (1982)).

11 When asked to “[d]escribe in detail the complete factual and legal bases for  
12 YOUR contention that DEFENDANT has infringed any applicable trademarks or  
13 trade dress under federal or state law,” Opulent Treasures responded only that  
14 “Opulent states that discovery is ongoing, and it will supplement its response to  
15 this Interrogatory at a later date.” (SUF, ¶ 7, Karish Dec. ¶ 5, Exh. A (Opulent  
16 Treasures Inc.’s Responses to Ya Ya Logistics First Set of Interrogatories.), p. 4,  
17 lines 6-14.) Likewise, when asked to “[d]escribe in detail the complete factual  
18 and legal bases for YOUR contention that DEFENDANT has committed  
19 counterfeiting,” Opulent Treasures again responded only that “Opulent states that  
20 discovery is ongoing, and it will supplement its response to this Interrogatory at a  
21 later date.” (SUF, ¶ 9, Karish Dec. ¶ 5, Exh. A (Opulent Treasures Inc.’s  
22 Responses to Ya Ya Logistics First Set of Interrogatories.), p. 4, lines 6-14.) No  
23 further response was ever provided, and no evidence supporting Opulent  
24 Treasures trademark or counterfeiting claims against Ya Ya Logistics was ever  
25 disclosed. (SUF, ¶¶ 8, 10.)

1 Opulent Treasures has no admissible evidence that Ya Ya Logistics used  
2 any of Plaintiff's alleged trade dress, whether registered or unregistered. Likewise,  
3 Plaintiff has no admissible evidence that Ya Ya Logistics intentionally induced  
4 any third party to infringe any of Plaintiff's alleged trade dress, whether registered  
5 or unregistered. Finally, Plaintiff has no admissible evidence that Ya Ya Logistics  
6 supplied a product to a third party with knowledge that the product is being used  
7 to infringe any of Plaintiff's alleged trade dress, whether registered or  
8 unregistered.

9 Accordingly, summary judgment should be granted as to Plaintiff's claims  
10 for "Direct and Contributory Federal Trademark Infringement Under § 32(1) of  
11 the Lanham Act, 15 U.S.C. § 1114(1)"; "Direct and Contributory Trademark  
12 Counterfeiting Under 15 U.S.C. § 1114(1)(b)/Lanham Act § 32; 15 U.S.C. §  
13 1116(d)/Lanham Act § 34; 15 U.S.C. § 1117(b)-(c)/Lanham Act § 35]"; and  
14 "Direct and Contributory Trade Dress Infringement Under § 43(a) of the Lanham  
15 Act, 15 U.S.C. § 1125(a)." 16

17 **C. PLAINTIFF'S ANCILLARY COMMON LAW CLAIMS  
18 ALSO FAIL**

19 Plaintiff's common law trade dress infringement claim is analogous to the  
20 previously discussed trade dress infringement claims. Paragraph 112 of Plaintiff's  
21 first amended complaint states that "Ya Ya Creations and Defendants' respective  
22 use or facilitation and encouragement of the use by Ya Ya Creations of Opulent's  
23 Designs is likely to cause consumer confusion as to the origin or sponsorship or  
24 affiliation of the Accused Products by creating the false and misleading impression  
25 that the Accused Products are manufactured by, authorized by, or otherwise  
26 associated with Opulent." (D.N. 14, ¶ 112.) This language is nearly identical to the  
27 language in paragraph 102 regarding Plaintiff's claim for "Direct and Contributory  
28 Trade Dress Infringement Under § 43(a) of the Lanham Act, 15 U.S.C. § 1125(a)." 1

1 Likewise, Plaintiff's common law unfair competition claim is also analogous  
2 to the previously discussed trade dress infringement claims. Paragraph 130 of  
3 Plaintiff's first amended complaint states that "Defendants' respective use or  
4 facilitation and encouragement of the use by Ya Ya Creations constitute common  
5 law unfair competition by palming off and passing off of the Accused Products, by  
6 simulating Opulent's Designs in an intentional and calculated manner likely to  
7 cause consumer confusion as to origin or sponsorship or affiliation of the Accused  
8 Products, by creating the false and misleading impression that the Accused  
9 Products are manufactured by, authorized by, or otherwise associated with  
10 Opulent." (D.N. 14, ¶ 130.) This language is nearly identical to the language in  
11 paragraph 102 regarding Plaintiff's claim for "Direct and Contributory Trade Dress  
12 Infringement Under § 43(a) of the Lanham Act, 15 U.S.C. § 1125(a) and paragraph  
13 121 regarding Plaintiff's claim for Unfair Competition under Unfair Competition  
14 under § 43(a) of the Lanham Act, 15 U.S.C. § 1125(a).

15 As explained above, Plaintiff has no admissible evidence that Ya Ya  
16 Logistics used any of Plaintiff's alleged trade dress. Likewise, Plaintiff has no  
17 admissible evidence that Ya Ya Logistics intentionally induced any third party to  
18 infringe any of Plaintiff's alleged trade dress or that Ya Ya Logistics supplied a  
19 product to a third party with knowledge that the product is being used to infringe  
20 any of Plaintiff's alleged trade dress. Accordingly, summary judgment should be  
21 granted as to Plaintiff's claims for "Direct and Contributory Common Law Trade  
22 Dress Infringement" and "Common Law Unfair Competition."

23

24 **D. PLAINTIFF'S CANNOT SHOW ANY DAMAGE AS A  
25 RESULT OF YA YA LOGISTICS**

26 Plaintiff must prove both the fact and the amount of damages. *See Intel*  
27 *Corp. v. Terabyte Int'l, Inc.*, 6 F.3d 614, 621 (9th Cir. 1993); *Lindy Pen Co. v. Bic*  
28 *Pen Corp.*, 982 F.2d 1400, 1407 (9th Cir. 1993). Here, Plaintiff has no admissible

1 evidence of any injury as a result of Ya Ya Logistics. As explained above, Plaintiff  
2 cannot prove direct or contributory copyright infringement, or direct or  
3 contributory trademark infringement. Moreover, Plaintiff has no admissible  
4 evidence about Ya Ya Logistics' activities and so cannot prove that it has suffered  
5 any damage, let alone the amount of those damages.

6 For this additional reason, summary judgment should be granted as to all of  
7 Plaintiff's claims against Ya Ya Logistics.

8

9 **V. CONCLUSION**

10 For each and all of the reasons above, Ya Ya Logistics requests that the  
11 Court grant Ya Ya Logistics' motion for summary judgment against all of Opulent  
12 Treasures' claims in this litigation.

13

14 Respectfully submitted:

15

16 Dated: July 10, 2025

ORBIT IP, LLP

17

18 By: /s/ Marc A. Karish  
19 Marc A. Karish

20 Attorneys for Defendant  
21 and Counterclaim Plaintiff  
22 YA YA LOGISTICS, INC.

## **CERTIFICATE OF COMPLIANCE**

The undersigned, counsel of record for Defendant Ya Ya Logistics, Inc., hereby certifies that this brief contains 2769 words, which complies with the word limit of L.R. 11-6.1

Dated: July 10, 2025

Respectfully submitted,

ORBIT IP, LLP

By: /s/Marc Karish  
Marc A. Karish

## **CERTIFICATE OF SERVICE**

A copy of Defendant Ya Ya Logistics, Inc.'s Notice of Motion and Motion For Summary Judgment was served upon the parties to this matter via the Court's CM/ECF system and via email on July 10, 2025.

/s/ Marc A. Karish